

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FN 2001-005178

11/17/2003

HONORABLE ROBERT BUDOFF

CLERK OF THE COURT  
L. Carlson  
Deputy

IN RE THE MARRIAGE OF  
SANDRA LEE HOUSE

FILED: 11/20/2003

SANDRA LEE HOUSE  
14628 N 64TH AVE  
GLENDALE AZ 85306

AND

JAMES WYNNE MOBLEY

ROBERT D ROSANELLI

DOCKET-FAMILY COURT CCC

MINUTE ENTRY

This matter having been under advisement after Evidentiary Hearing on November 13, 2003, and the Court now having considered the testimony presented and the exhibits in evidence, finds as follows:

1. The parties' marriage was dissolved by minute entry order of September 18, 2002, after trial. The trial court order was affirmed by the Court of Appeals on July 3, 2003.
2. In the decree, the Court ordered that Husband shall pay to Wife the sum of \$8650.00 by May 1, 2003, with interest to begin to accrue on that date for her equity interest in the community residence. It has been acknowledged by Husband that he has not made any payments to Wife relative to that responsibility.
3. The decree also provided that "Wife shall deliver to Husband his paperwork (which is in filing cabinets) from the '70s and '80s and the coasters." This order was relative to the division of the parties' personal property. The specific items that Husband is claiming are architectural

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drawings and plans that he has accumulated as a result of his work history in the architecture field.

4. Wife filed a Petition to enforce the court order relative to division of property to collect her equity interest on July 23, 2003. Husband filed a response to Wife's petition and his own counter-petition alleging contempt for Wife's failure to transfer his architectural drawings to him that he believes are of a value in excess of any amount that he may owe to her.
5. Evidence has been presented by Husband to support the value of any existing architectural drawings. Husband claims that the value exceeds any amount that he might owe to Wife for her equity interest in the property. Husband has submitted a specific list of architectural drawings that he completed that he believed were in the parties' residence garage at the time that Wife removed her property from the house. Husband has not been able to locate the property since Wife left and believes that she has it in her possession and has not returned it to him.
6. Husband alleges that these architectural drawings were made by him in the mid-'80s and that periodically he went into the containers in which they were kept to the extent that he was sure that these papers existed in the community residence soon prior to the parties' separation. Husband has no evidence that Wife actually took the property or that she currently has it. Husband asserts that Wife is the only one that could have taken the property, however, and, therefore, should be held responsible for it.
7. Wife has testified that she did not take the property in question, that she has searched her own residence for it, and although she found some items in a cabinet which belonged to her (which have now been returned to Husband) no other property of Husband's can be located. Wife requests that she not be held responsible for the loss of these items.

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Based upon the foregoing,

IT IS ORDERED granting Wife's Petition to Enforce the Terms of the Decree which require Husband to pay to her \$8650.00 for her equity share in the residence. In the absence of any contrary written agreement which the parties may make,

IT IS ORDERED that Husband shall pay his obligation at the rate of \$300.00 per month beginning January 1, 2004, and on the first day of each month thereafter until paid in full. Interest shall begin to accrue effective August 1, 2003, which is the first day of the month after the Court of Appeals issued its mandate. If at any time Husband is not current in his payments, Wife may reduce this obligation to judgment and utilize the civil collections remedies for satisfaction.

IT IS FURTHER ORDERED denying Husband's claim for contempt against Wife. No satisfactory evidence has been submitted to the Court from which the Court can conclude that Wife either took the property originally from the home or currently possesses the property. Husband is encouraged to accept Wife's offer to go to her home and look through the residence to attempt to locate his lost items.

IT IS FURTHER ORDERED that the requirements of Rule 58(d), Ariz. R. Civ. P., are waived out of necessity by the Court to shorten the administrative time involved in the processing of a separate written order, and, in the interest of judicial economy. Accordingly,

IT IS ORDERED signing this minute entry as a formal written Order of the Court.

/ s / HONORABLE ROBERT BUDOFF

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JUDICIAL OFFICER OF THE SUPERIOR COURT